

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

(1) EDWARD R. STAMPS, individually and)	
(2) TINA L. STAMPS, individually,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 21-cv-00254-JFH-SH
)	
(1) SERGIO B. NAVARETTE, individually)	
and)	
(2) RAPID LOGISTICS, LLC, a Texas Limited)	
Liability Corporation, d/b/a RAPID)	
TRANSPORT and)	
(3) RAPID LEASING TRUCKING, LLC,)	
)	
Defendants.)	

ANSWER OF RAPID LOGISTICS, LLC

Defendant Rapid Logistics, LLC ("Rapid Logistics"), by and through its attorneys of record, for its Answer to the Petition of Edward Stamps and Tina Stamps ("Plaintiffs") deny every material allegation contained therein, except as specifically addressed below as follows:

1. Rapid Logistics is without sufficient information to admit or deny the allegations contained in Paragraph One (1) of Plaintiffs' Petition and as such denies same.
2. Rapid Logistics is without sufficient information to admit or deny the allegations contained in Paragraph Two (2) of Plaintiffs' Petition and as such denies same.
3. Rapid Logistics is without sufficient information to admit or deny the allegations contained in Paragraph Three (3) of Plaintiffs' Petition as worded and as such denies same.
4. Admitted.
5. Admitted.
6. Rapid Logistics is without sufficient information to admit or deny the allegations contained in Paragraph Six (6) of Plaintiffs' Petition as worded and as such denies same.

7. Rapid Logistics is without sufficient information to admit or deny the allegations contained in Paragraph Seven (7) of Plaintiffs' Petition and as such denies same.

8. Rapid Logistics denies the allegations contained in Paragraph Eight (8) of Plaintiffs' Petition.

9. Rapid Logistics denies the allegations contained in Paragraph Nine (9) of Plaintiffs' Petition in addition to the unnumbered WHEREFORE paragraph following Paragraph Nine (9) thereof.

10. Rapid Logistics is without sufficient information to admit or deny the allegations contained in Paragraph Ten (10) of Plaintiffs' Petition and as such denies same.

11. Rapid Logistics is without sufficient information to admit or deny the allegations contained in Paragraph Eleven (11) of Plaintiffs' Petition and as such denies same.

12. Rapid Logistics denies the allegations contained in Paragraph Twelve (12) of Plaintiffs' Petition in addition to the unnumbered WHEREFORE paragraph following Paragraph Twelve (12) thereof.

13. Rapid Logistics is without sufficient information to admit or deny the allegations contained in Paragraph Thirteen (13) of Plaintiffs' Petition as worded and as such denies same.

14. Rapid Logistics is without sufficient information to admit or deny the allegations contained in Paragraph Fourteen (14) of Plaintiffs' Petition as worded and as such denies same.

15. Rapid Logistics denies the allegations contained in Paragraph Fifteen (15) of Plaintiffs' Petition in addition to the unnumbered WHEREFORE paragraph following Paragraph Fifteen (15) thereof.

16. Rapid Logistics is without sufficient information to admit or deny the allegations contained in Paragraph Sixteen (16) of Plaintiffs' Petition and as such denies same.

17. Rapid Logistics denies the allegations contained in Paragraph Seventeen (17) of Plaintiffs' Petition.

18. Rapid Logistics denies the allegations contained in Paragraph Eighteen (18) of Plaintiffs' Petition in addition to the unnumbered WHEREFORE paragraph following Paragraph Eighteen (18) thereof.

AFFIRMATIVE DEFENSES

Rapid Logistics asserts the following potentially applicable affirmative defenses, subject to confirmation through discovery.

1. Plaintiffs have failed to state a claim upon which relief can be granted;
2. Plaintiffs' damages, if any, are the result of the negligence of Edward Stamps over whom Rapid Leasing had no control or authority to control;
3. Plaintiff Edward Stamps' negligence was an intervening or supervening cause for the accident in question;
4. Plaintiff Edward Stamps' own negligence was of such a degree as to preclude recovery by Plaintiffs herein pursuant to contributory negligence and/or comparative fault;
5. Rapid Logistics' negligence, which is denied, was not the proximate or direct cause of the alleged injuries or damages claimed by Plaintiffs herein;
6. Rapid Logistics asserts that any damages, losses or claims by Plaintiffs should be strictly apportioned on the basis of fault, several liability and contributory negligence for all parties and potential non-parties as to be determined through discovery;
7. Rapid Logistics asserts the doctrines of waiver, estoppel, laches and/or the applicable statute of limitations as defenses;

8. All or some of Plaintiffs' claimed injuries and damages are or may be the result of preexisting injuries, conditions or malingering not causally related to or connected to the accident in question;

9. All or some of Plaintiffs' claimed medical expenses were not reasonable, were excessive, were directed by counsel for the purpose of litigation, were not related to the accident in question or were not medically necessary or were charged at a rate in excess of applicable medical standards;

10. Rapid Logistics asserts the evidentiary limitation and substantive restriction on admissible medical expenses contained in 12 O.S. § 3009.1 as an affirmative defense;

11. General denial;

12. Lack of medical causation of injuries, damages, conditions and malingering;

13. Rapid Logistics reserves the right to amend this Answer, the affirmative defenses asserted herein or to further plead upon the completion of discovery.

WHEREFORE, having fully answered, Defendant Rapid Logistics respectfully prays that Plaintiffs take nothing by way of their Petition and that judgment be entered for Rapid Logistics together with its costs, fees and expenses of this action with such other relief as this Court deems just and proper.

Respectfully submitted,

*PIERCE COUCH HENDRICKSON
BAYSINGER & GREEN, LLP*

s/ Jake G. Pipinich

Jake G. Pipinich, OBA # 22687

Amy Bradley-Waters, OBA No. 16480

P.O. Box 239

Tulsa, Oklahoma 74101

Telephone: 918-583-8100

Facsimile: 918-583-8107

jpipinich@piercecouch.com

abradley-waters@piercecouch.com

Attorneys for Defendant,

Rapid Logistics, LLC

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2021, I electronically transmitted a full, true and correct copy of the above and foregoing document to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the following ECF registrants:

Nathan E. Barnard
Barnard Law Firm
3501 E. 31st St.
Tulsa, OK 74135
Facsimile: 918-587-4767
nbarnard@barnardlawfirm.com

Attorneys for Plaintiffs

s/ Jake G. Pipinich